

order to ensure the ready accessibility by all elements of the intelligence community of intelligence and other information stored in such databases.

Mr. SPECTER. I yield the floor.

YUCCA MOUNTAIN

Mr. MURKOWSKI. Mr. President, I stand to try to enlighten Members about the Yucca Mountain resolution which is going to be before this body. Yesterday, I took to the floor to speak on the current status of the Yucca Mountain debate in the Senate. I bring it to my colleagues' attention this measure has been reported by the Energy and Natural Resources Committee and is now ready for consideration by the full Senate.

There is a process here. I think it is somewhat confusing to Members, and hopefully we will get a better understanding when I share my analysis.

I want to make sure everyone understands that I certainly support the majority leader's ability to control the floor of the Senate and hence the schedule. I hope the majority leader will bring this issue to the floor shortly. I and others are looking forward to working with him, Senator LOTT and others, to try to come to an agreement to move the Yucca Mountain issue. However, should the majority leader choose not to bring this up and asks the Republicans to do it, we are prepared to oblige.

The process laid out is unique in the Nuclear Waste Policy Act. It was intended to eliminate any opportunity to delay, impede, frustrate, or obstruct the Senate and House votes on this siting resolution. That is the reason this expedited procedure was put into the act.

As Senator CRAIG pointed out last week, this was very specific language. It provides that any Senator on either side may move to proceed to consideration of the resolution.

There is a historical association with these procedures. Back when the Nuclear Waste Policy Act was debated in 1982, a central question was how to treat an obligation by the State selected for the repository if, in fact, the State objected—hence the situation with regard to Nevada. Nevada was selected. Nevada has rejected the site.

Back then there was a Congressman by the name of Moakley, the chairman of the House Rules Committee. He was concerned over what he perceived as a constitutional issue—single House action—and sought an approach that would allow a State to raise an objection but also guarantee that a decision would be made without raising constitutional questions. The solution he proposed, and which is included in the legislation, was passage of a joint resolution coupled with expedited procedures that would eliminate any opportunity for obstruction or delay. In other words, trying to make it fair to the State that was affected.

Moakley's State veto provision was added to the House-Senate compromise

bill after Senator Proxmire threatened to filibuster the bill unless it was included. Senator Proxmire described the provisions as making it "in order for any Member of the Senate to move to proceed to consideration of the resolution" to override the State's veto.

That is where we are today on this matter.

Further, as a little history, Senator George Mitchell, who was the majority leader at that time, insisted that the language "should not burden the process with dilatory or obstructionist provisions" and was only accepted in the Senate because we were all assured that there were no procedural or other avenues that would prevent the Senate from working its will within the statutory framework.

Again, I want to quote Congressman Moakley on that provision when the House approved the final measure:

The Rules Committee compromise resolved the issue in a fair manner. We proposed a two-House veto of a State objection but required that both the House and Senate must vote within a short timeframe. So long as the vote is guaranteed, the procedures are identical as a political and parliamentary matter.

The process, which includes the right of any Senator to make the motion to proceed, is that guarantee.

All of this brings me to the point of the majority leader's ability to control the flow of legislation in this body. The majority leader has been very forthcoming in his position on the resolution, and I understand and appreciate that. While I disagree with his position, I do not question his honesty or his integrity. Nor do I wish to hinder his ability to control the floor in normal circumstances.

This situation, however, is not one in which we often find ourselves. In this rather extraordinary case, we find ourselves governed not by the usual rules and traditions of the Senate but, rather, by a very specific and limited expedited procedure—a procedure set out in law, a law that was passed by this body.

Senator DASCHLE chooses to call this fast-track procedure—he mentioned "a violation of the Senate rules." I choose to call it an "exception." But whatever it is, whatever you want to call it, it is the same thing. It is a statutory fast track to consider a type of measure that is not ordinarily before the Senate, nor ordinarily treated in this manner. Extraordinary circumstances often call for an extraordinary procedure, and I think that is what we have before us.

Despite what Senator DASCHLE has indicated in a press conference earlier this week:

This whole procedure, as you know—we locked in a procedure many, many years ago—I believe it was in 1982—

And he continued later in the statement:

But this is what we are faced with. And so given the fact that we're faced with a very un-Senate-like procedure, I have no objec-

tion to that concept. (Here he is referring to a Republican making the motion to proceed) in terms of who would raise the issue on the floor.

Certainly I appreciate the leader's recognition that this measure must come up, and should the majority leader not make the motion, obviously some other Member will. If that is what will happen, it does not in any manner undercut the authority of our majority leader. No Senator, however, has come running to interrupt the present schedule of proceedings by bringing up this resolution.

We have, in fact, had discussions between the majority and minority leaders. We would like to enter into a unanimous consent agreement to minimize any potential disruption to the Senate, but that may not be possible, given the objection of the Senators from Nevada.

I quote from an article that appeared in one of the publications that I was given, in the "Hill Briefs," a reference by Emily Pierce, Congressional Quarterly staff writer, on 6-19 of this year, third paragraph:

And Senator ENSIGN and Senator REID said they aimed to persuade enough Members of both parties to reject the procedural motion, contending it would set a bad precedent. They contend the majority leader should control the agenda rather than leave that task to another Senator.

That is really incidental, but I think it points out that we have two Senators from Nevada who rightly are going to object to moving this matter before the Senate.

Barring what would be any further delays, we can find an appropriate time that is convenient to the schedule of our two leaders to resolve this matter. As to who makes the motion to proceed, I do not know that it really matters very much.

When I was chairman of the Energy Committee, I occasionally came to the floor to move to proceed to some measure reported from the committee. I certainly think it would be equally appropriate for our present chairman to make the motion to proceed to the consideration of this resolution. However, he may not want to do so.

I commend Senator BINGAMAN for an excellent committee report and the deliberate approach that he took to the consideration of the resolution. I commend him. But the bottom line is that, if the majority leader does not want to make the motion, for substantive or whatever reason, the statute explicitly deals with the situation to ensure that the Senate can take action.

As I have said before, the State veto and the congressional joint resolution are extraordinary provisions. A vote on the resolution is essential to the compromise in the agreement of 1982 to go to a two-House resolution.

It offers no precedent for any other situation and by its terms is limited to this specific situation. There are enough substantive issues that we can discuss. We do not need to suggest that somehow an explicit provision in a

statute should be ignored and does not mean precisely what it says.

It is time we focus on substance and I sincerely hope that the two leaders can find a time before the July recess for us to take up this important Yucca Mountain resolution.

I would note that all debate is limited to 10 hours, so it would be possible to take up the resolution one afternoon or evening and have a vote the next morning. That would create very little inconvenience to the leaders' schedule, but I look forward to whatever they can work out.

It is time for either the majority leader or his designee—perhaps the chairman of the Energy Committee who introduced the resolution and so ably guided it through committee—to make the motion to proceed and establish, under the rules of the Senate and the procedures laid out in the act, a time and date certain when the Senate can debate and vote on this resolution—as the act intended.

This matter is long overdue. It is the obligation of this body. The House of Representatives has done its job, and the Senate should do its job.

I thank the Chair. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to speak as if in morning business and to extend morning business time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN

Mr. REID. Mr. President, I have heard my friend, the distinguished junior Senator from Alaska speak, as I have heard the Senator from Idaho speak on several occasions during the last few days. I have chosen not to respond because what my friends have spoken about we have heard many times.

We have a situation on which the American people are now focusing. The focus for many years has been whether Yucca Mountain is a suitable site for a nuclear waste depository. Scientifically, that has fallen apart for many reasons. One is that under the statute, Yucca Mountain and/or any other site was supposed to be a facility that would geologically protect the American people from nuclear waste. Yucca Mountain didn't work. They have learned that geologically it can't do that because of the fault lines, because of the water tables, and because of many other facts. They decided to use Yucca Mountain anyway. But they would build an encasement and put it down in the hole. They would have the waste in containers in Yucca Mountain.

The point is that now people are no longer focusing on Yucca Mountain. They are not focusing on Yucca Mountain because they have come to the re-

alization they have to get it there some way. You are not going to wake up one morning and suddenly find thousands of tons of nuclear waste from around the country from different reactors there. No. You will have to haul it there. We have learned they are going to haul it by water, by train, and by truck. They can haul all they want. But the waste is always going to be at these reactor sites. You can't get rid of it. You are producing it all of the time.

When they take a spent fuel rod out, it has to stay onsite for 5 years before they can touch it. Then they have to determine how to move it.

We have known since September 11 that we have a lot of difficulty moving anything dangerous on the highways of this country. The most poisonous substances known to man are in these spent fuel rods.

There is a Web site—www.mapscience.org. It has been up since last Tuesday. You can punch in an address—whether it is Georgia, whether it is Nevada, Virginia, Maryland, or Rhode Island. You will find instantaneously how close nuclear waste will travel to your home address or any other address you enter.

Since Tuesday, we have had about 100,000 people who have focused on that and who have made hits on that site. People from all over this country are now realizing that nuclear waste is not a Nevada problem, it is their problem.

My friends from Alaska and Idaho can come here and talk all they want. But the people who are eminent scientists and who have enough experience dealing with transportation—for example, the former head of the National Transportation Safety Board—agree that this is a bad idea. Jim Hall, the former head of the National Transportation Safety Board has done editorial boards, and he is an expert on transportation safety. He said you shouldn't do it. You can't do it. People say: OK, big shot. What do you want to do with it? That is very easy to answer. Leave it where it is, where there are storage containers, where you can encase and cover them with cement. There are all kinds of ways to protect them onsite, but you can't do those things when you haul the waste. The casks become too heavy.

The majority leader is absolutely right. He does not like this. He thinks it is wrong headed. People have been wine and dined by the nuclear power industry for 20 years. One of the great trips they take is to Las Vegas. They say: Come on. We will show you Yucca Mountain.

They whip them out to the mountain for a few hours and put them up in fancy hotels in Las Vegas for a weekend or so. They have had hundreds of staff out there to look at this. We know how powerful staff is. They come back and say there is a great repository out there.

I acknowledge that my job is easier than my friend, the junior Senator from Nevada. My job is easier because

this battle has been going on for a while. President Clinton vetoed a proposal to change environmental standards at Yucca Mountain. That veto was upheld by a vote of the Senate—33 Democrats and 2 Republicans.

They also tried to establish Yucca Mountain as a temporary place—an interim storage site. President Clinton interceded. That was soundly defeated.

My job is easier than my friend from Nevada. I am working with people who have not voted against this in the past, and who have voted for my position in the past. We had a President who, even though he had a nuclear plant in Arkansas, understood.

But my friends on this side of the aisle must do the right thing. I don't say this negatively. I get campaign contributions also. Even though I get campaign contributions, that isn't how I have to vote. They give me that money because they think I am an honorable person trying to do the right thing.

The fact that for 20-odd years millions of dollars have been given to campaigns around this country, people have to set that aside and do the right thing. It is not easy to do. But they have to do the right thing. I am not in any way trying to demagog the issue other than to say there are occasions when people have to do the right thing.

For my friend, JOHN ENSIGN, and for the people of this country, my friends on the other side of the aisle must do what is fair and understand that the transportation of nuclear waste is not safe.

The Chairman of the Nuclear Regulatory Commission said last week if this bill does not go forward and the veto of the Governor of Nevada is upheld, that it is no big deal. We can and will leave the nuclear waste where it is. That is what the Chairman of the Nuclear Regulatory Mission said last week.

The former member of the NRC, Dr. Victor Gilinsky, said at an Energy Committee hearing: I don't understand what the rush is. They can't transport the stuff in Europe. They have tried. This week they had a big demonstration where people chained themselves to the railroad tracks. Basically, they stopped the trains from hauling it. Germany has given up on it.

The mad rush is because the nuclear power lobby is extremely powerful. But for the good of the people of this country, whether they have a nuclear reactor in their State or not, you can't haul it safely. It is better left where it is until we find the right technological solution.

I guess the reason I came down is that I have just kind of had it up to here on all of these speeches about what a righteous thing they are doing by bringing this forward. It is the wrong thing to do. It is not a Nevada issue. It is an issue that affects everybody in this country.

For anyone to even suggest or intimate that this matter should now be